

Town of Cheswold
1856



State of Delaware
1787

**Town of Cheswold
Minutes of the Monthly Town Council Meeting
691 Main Street
Cheswold, Delaware 19936
Monday – July 11, 2022
5:30 p.m.**

ZOOM Teleconference

1-929-205-6099 Meeting ID: 9728359352#
<https://us02web.zoom.us/j/9728359252>

The following persons were in attendance in person:

Mayor Santo Faronea
Vice Mayor Michael Wysong
Secretary/Treasurer Theon Callender
Councilperson Mark Moxley
Councilperson Maxwell Amoako

Excused: Councilperson Judith Johnson

Police Department: Chief Chris Workman

Administration: Shadina Jones, Town Clerk

Administrative Clerk: Camryn Tunnell

Public Works: Code Enforcement Office Mike Callender – *On Vacation*

Town Attorneys: Max Walton, Esquire (Connolly-Gallager, LLP)

Erica Sefton, Esquire (Connolly-Gallager, LLP)

Community Attendees:

Mr. Rodney Callender – Parkers Run

Mr. Stephen Williams – Parkers Run

NOTICE:

Notice of this meeting has been made in accordance with the Delaware Open Meeting Act, by properly posting it on December 15, 2021, on the Town of Cheswold website at: <http://cheswold.delaware.gov>. Copies of the agenda were posted outside the Cheswold Town Hall; in the local Post Office; at the Fox Pointe Management Office and on the Official Web Site for the Town of Cheswold, at <http://cheswold.delaware.gov>; and was filed with the Clerk of the Town of Cheswold on June 30, 2022. Copies of the agenda were available for pick-up at the Town Hall.

MEETING:

The meeting was called to order by Mayor Faronea at 5:30 pm.

PLEDGE of ALLEGIANCE and MOMENT of SILENCE

The Pledge of Allegiance and Moment of Silence was conducted during the Public Hearing, previous to this meeting.

PROPERLY POSTED:

Administrative Clerk Camryn Tunnell noted that the meeting posted was properly posted on June 30, 2022.

ROLL CALL:

Mayor Faronea requested the Administrative Clerk to call the roll. And with five, (5), members of the six (6) person Council present, Ms. Tunnell presented a quorum to the Mayor and the meeting continued.

REVIEW of AGENDA

Mayor Faronea requested the Council review the accuracy of the agenda and for a motion to accept as presented or to make changes and amendment requests as needed.

Councilperson Callender made a motion to insert Agenda Item #15 – Resolution for Vote between Agenda Items 6 – Review of Agenda and Item 7 – Review of Previous Month’s Minutes to expedite the items associated with the annexation and permit the Attorney’s to leave the meeting in a timely fashion and to remove review and vote on Resolution 03-22-22-102 Revision 1, as it is not needed per the Attorney. Subsequently, Ms. Callender additionally made a motion to insert Item 14 – Ordinance for Review/Vote to occur at the conclusion of Item #15.

Councilperson Moxley made a section to the motions as presented and unanimous roll call votes of the Town Council approved the motions.

RESOLUTION for VOTE

Resolution #05-25-22-103 Resolution Ordering and Setting Date for Special Election with Respect to the Annexation of Property Owned by Liborio III LP in Accordance with the Charter of the Town of Cheswold

Vice-Mayor Wysong made a motion for Approval of the Resolution Setting the Date of the Special Election for August 8, 2022, contingent upon execution of the Annexation Agreement, and finding that the annexation and desired zoning are in conformance with the Comprehensive Plan, that the parcel is contiguous with the Town; that a Plan of Services has been submitted and accepted by OSPC, there is an associated ordinance to re-zone the property consistent with the Comprehensive Plan; and the Town has complied with all notice requirements.

RESOLUTION for VOTE – *“continued”*

Councilperson Amoako made a second to the motion and the Council voted as follows:

Vice-Mayor Wysong voted YES and agreed to it for the reasons as stated in the motion.

Councilperson Callender voted YES and agreed to it for the reasons as stated in the motion.

Councilperson Moxley voted YES and agreed to it for the reasons as stated in the motion.

Councilperson Amoako voted YES and agreed to it for the reasons as stated in the motion. The motion carried with an unanimous roll call vote.

At the conclusion of the vote, Mayor Faronea appointed a three, (3), person panel to serve as the Board of Special Election. The persons appointed were Ms. Shadina Jones – Town Clerk; Ms. Camryn Tunnell – Administrative Assistant; and Mr. Christopher Workman – Chief of Police. Ms. Jones will serve as the Presiding Officer and the Board shall be the sole and final judges of the legality of the votes offered at the Special Election as defined by the Town Charter – Section 3.2.6 – Conduct of Special Elections.

The Election shall be held on Monday, August 8, 2022, between 1 pm and 3 pm, at the Cheswold Town Hall, 691 Main Street.

ORDINANCE for REVIEW/VOTE

Ordinance 07-11-22-064 Approval to Amend the Town of Cheswold Land Use Ordinance to Modify the Zoning Map in order to Re-Zone Annexed Property in Accordance with Approved R-3 Zoning.

Vice-Mayor Wysong made a motion to approve Ordinance 07-11-22-064 to Amend the Zoning Map for the Annexed Property, finding that, such is made in accordance with the Comprehensive Plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent overcrowding of the land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements; such findings have been made with reasonable concentration as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

Councilperson Amoako made a second to the motion and the Council voted as follows:

Vice-Mayor Wysong voted YES and agreed to the motion as submitted for the reasons proffered.

Councilperson Callender voted YES and agreed to the motion as submitted for the reasons proffered.

Councilperson Moxley voted YES and agreed to the motion as submitted for the reasons proffered.

Councilperson Amoako voted YES and agreed to the motion as submitted for the reasons proffered. The motion carried with an unanimous roll call vote.

With the completion of all the documents related to the annexation of the property of Liborio III LP complete, the Town Attorneys left the meeting and the Mayor resumed with the agenda items.

REVIEW of PEVIOUS MONTHS MINUTES

Mayor Faronea requested the Council to review the accuracy of the previous month's minutes and for a motion to accept them as presented or to make changes and amendment requests as needed.

A motion to accept the Town Council minutes, as presented was made by Councilperson Amoako and Councilperson Moxley made a second to approve the motion. A roll call vote on the motion resulted in a unanimous vote to approve the minutes as follows:

June 6, 2022 – Monthly Town Council Meeting

FINAL 2022 - 2023 BUDGET REVIEW and VOTE:

**2022 – 2023
BUDGET SUMMARY**

Approved by unanimous roll call Town Council vote – July 11, 2022

ANTICIPATED REVENUE:

Cash Carry-Over 2021 – 2022 (<i>As of 6/31/22</i>)	\$ 578,166.96
General Fund (<i>Administration</i>)	\$ 691,156.03
Police Department	\$ 75,400.00
Public Works	\$ 262,950.00
Capital Account – Cash Carry-Over (<i>As of 6/31/22</i>)	\$ 30,003.56
Cheswold Heritage Day Account Cash Carry-Over (<i>As of 6/31/22</i>)	\$ 6,901.18
TOTAL	\$ 1,644,577.73

ANTICIPATED EXPENSE:

General Fund* (<i>Administration</i>)	\$ 982,645.80
Police Department	\$ 73,455.00
Public Works	\$ 85,200.00
Capital (unbudgeted)	\$ 150,000.00
Cheswold Heritage Day	\$ 1,000.00
TOTAL	\$ 1,292,300.80

DIFFERENCE \$ 352,276.93

**Includes Vann Litigation Payment of \$48,000*

FINAL 2022 - 2023 BUDGET REVIEW and VOTE: *"continued"*

Town Clerk Shadina Jones presented the 2022-2023 Budget Summary for review and approval and Secretary/Treasurer Callender made a motion to approve the Budget Summary as presented. Vice Mayor Wysong made a second to the motion and it passed with an unanimous roll call vote of the Council.

TREASURER'S REPORT:

The Mayor requested Council to review the following Treasury Reports and to make any necessary statements and/or to make a motion to approve reports:

- a. The Treasurer's Reports for the **Month of June 2022**, is as follows:

Monthly Cash Flow Comparisons

TOWN of CHESWOLD	JUNE 2022
Cash Receipts	\$ 141,897.17
Cash Disbursements	\$ 93,348.09
Positive Monthly Cash Flow	\$ 48,549.08

ADMINISTRATION	JUNE 2022
Cash Receipts	\$ 96,936.21
Cash Disbursements	\$ 45,231.79
Positive Monthly Cash Flow	\$ 51,704.42

POLICE DEPARTMENT	JUNE 2022
Cash Receipts	\$ 4,349.57
Cash Disbursements	\$ 46,650.83
Negative Monthly Cash Flow	(\$ 42,301.26)

PUBLIC WORKS	JUNE 2022
Cash Receipts	\$ 40,611.39
Cash Disbursements	\$ 1,465.47
Positive Monthly Cash Flow	\$ 39,145.92

TREASURER'S REPORT: "continued"

b. The Treasurer's Report, (Account Balances), for the Month of JUNE 2022:

as of:	JUNE 2022
Capital Account	\$ 30,003.56
Cheswold Heritage Day Account	\$ 6,901.18
Eide Grant Fund Account	\$ 4,731.33
Public Safety Account	\$ 58,752.22
General Fund Account	\$ 578,166.96
Land Use Applicant's Account	\$ 59,229.49
Litigation Account	\$ 1,707.94
Municipal Street Aid Account	\$ 54,792.66
Salle Grant Fund Account	\$ 1,640.56
DelDOT Projects	\$ 90,896.90
ARPA	\$ 510,451.32
Municipal Complex Building	\$ 745,166.74

c. Requisitions –

<u>Req. #</u>	<u>Department</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By</u>
NOTHING TO REPORT					

b. Proposed Purchase/s -

<u>Req. #</u>	<u>Dept.</u>	<u>Vendor</u>	<u>Item</u>	<u>Amount</u>	<u>To Be Paid By:</u>
NOTHING TO REPORT					

TAX COLLECTOR'S REPORT – Town Clerk Shadina Jones
 Month of June 2022

TAX REPORT: FISCAL YEAR 2021 – 2022

Total Amount Billed: \$160,690.95

Total Amount Paid: \$33,601.18

Paid As of:	Current Year:	Past Due Paid:
07/31/2021	\$ 33,601.18	\$ 867.88
08/31/2021	\$ 97,083.11	\$ 300.12
09/30/2021	\$ 23,534.44	\$ 1,171.23
10/31/2021	\$ 2,077.06	\$ 143.03
11/30/2021	\$ 442.81	\$ 75.71
12 /31/2021	\$ 472.96	\$ 21.97
01/31/2022	\$ 275.43	\$ 43.59
02/29/2022	\$ 2,182.58	\$ 2,696.98
03/31/2022	\$ 1,234.56	\$ 722.27
04/30/2022	\$ 1,925.09	\$ 1,211.03
05/31/2022	\$ 763.20	\$ 458.49
06/30/2022	\$ 927.54	\$ 475.46

TAX COLLECTOR'S REPORT – “continued”

b. DELINQUENT TAXES – *Town Clerk Shadina Jones*

Ms. Jones reported that the current Delinquent Tax balance is the lowest it's been in many years.

c. 2022 -2023 PROPERTY TAXES - *Town Clerk Shadina Jones*

Ms. Jones additionally reported that there were issues in forwarding the 2022 - 2023 Property Tax bills due to problems with the imports from Kent County to the Town accounting system. It is expected that the problems will be corrected by the Edmunds system within the week and the tax bills will be mailed by July 15, 2022.

POLICE DEPARTMENT REPORT – *Chief Christopher Workman:*

Chief Workman presented the following June 2022 report prior to the meeting:

State of Delaware Accreditation – The Department with the assistance of DHS are continuing to work on the accreditation process. The policy portion of the process has been completed and the proofing phase has begun.

Evidence Systems – has been installed and new protocols are in use.

SLEAF – The new SLEAF grant has approved to complete the order of the lights, siren, console, radio, cradlepoint and all equipment for the 2021 Ford 150.

Firearms Training – Officers of the Cheswold Police Department will be scheduled for the first of three required firearms training sessions on July 22 & 26, due to some scheduling conflicts in May. Officers at this time will also be completing their yearly CEW, (Taser), training at that time.

Employment – The Cheswold Police Department has issued a conditional letter of hire to a recruit applicant who is currently in the process of completing the required testing for possible attendance to the Dover Police Academy beginning October 9, 2022.

2015 Chevy Tahoe – The Cheswold Police Department has been advised that the replacement engine has been delivered and the work to install is underway. It is expected that the vehicle will be returned to the Department next week.

Traffic Violations Charged – Officers issued 182 traffic summons's during the month of June. These are the number of violations issued. {**Note:** *One, (1), traffic stop could equal two, (2), or more violations; e.g.: Speeding; no driver's license*}

Actual Traffic Stops – December (154)

Graphs depicting traffic stops made in June and dispositions, were presented to the Council. The following reflects the data depicted on the graphs by ethnicity and gender:

POLICE DEPARTMENT REPORT – *“continued”*:

Male Traffic Stops

	<u>June</u>
African American	50
Caucasian	37
Latino	7
Other/Undetermined	6

Female Traffic Stops

	<u>June</u>
African American	39
Caucasian	24
Latino	5
Other/Undetermined	2

Dispositions

<u>Summons</u>	<u>June</u>	<u>Verbal Warnings</u>	<u>June</u>
African American	79	African American	4
Caucasian	53	Caucasian	6
Latino	12	Latino	0
Other/Undetermined	8	Other/Undetermined	0

Written Warnings

	<u>June</u>
African American	5
Caucasian	2
Latino	0
Other/Undetermined	0

In an effort to expand transparency it is added to the monthly report to show who our officer’s stop for violations and how they complete the stop.

Anyone interested in obtaining a copy of the associated graphs may send an email request to Cheswold.office@comcast.net or apply in person at Town Hall.

Monthly Activity Report –

Officers responded to or completed reports for 182 Incidents for the month of June.

IF YOU DON’T CALL – WHO WILL – CALL 911

POLICE DEPARTMENT REPORT – “continued”:

A motion to approve the Police Department report as submitted by Chief Workman was made by Councilperson Amoako. A second to the motion was submitted by Councilperson Moxley. An unanimous roll call vote of Council members resulted in the passage of the report as submitted.

PUBLIC WORKS REPORT – Code Enforcement Officer Michael Callender

The June Public Works Report was forwarded to the Council via email, as Mr. Callender is on vacation. The report is as follows:

- **Status Report –**

	<u>PERMITS ISSUED</u>	<u>NEW VIOLATIONS</u>	<u>CLOSED VIOLATIONS</u>	<u>BUILDING INSPECTIONS</u>
June 2022	30	6	5	1

CODE ENFORCEMENT PROPERTIES

- **179 Commerce St. – PENDING:** The Town has spoken with the property owner’s representative on two, (2), occasions, and they have not yet pulled a demo permit as was suggested. They have until July 20th, to make some sort of progress with the demolition of the property, or after that date fines will begin.

VIOLATIONS

- *Stonington Lots #127; 129; 138; 176*
- *Nobles Pond Lots #378; 385A*

CONSTRUCTION PROJECTS:

- **Stonington** – Construction continues as usual.
- **Alston’s Walk** – Nothing has been heard from Ashburn Homes since the last contact in May.
- **241 & 237 Commerce St.** – The property owners have not contacted the Town regarding final inspections for the C/O.

TOWN REPORT:

Parking enforcement is currently in effect in Old Town. Thus far only one, (1), resident has submitted paperwork for a parking permit.

PUBLIC WORKS REPORT – *“continued”*

A motion was made by Councilperson Moxley to approve the Public Works report as submitted. Councilperson Amoako made a second to the motion and the motion passed as a result of an unanimous roll call vote of the Town Council.

PLANNING COMMISSION REPORT – *Land Use Administrator Sam Callender*

- a. **Revision of Land Use Ordinance** – The Commissioners, Town Engineer and Land Use Administrator in the process of revising Article 7. Use Regulations – Table 7-2 Permitted Uses and Structures.
- b. **Preliminary Plan Review** – A Lot Line Adjustment Application 2022-06-06-111 for Central Delaware Business Park will be reviewed by the Commissioners for recommendation of approval by the Council.
- c. **Next Planning Commission Meeting** – The next Planning Commission meeting is scheduled for Thursday, July 14, 2022 at 5 pm, at the Cheswold Town Hall, 691 Main Street. Only Commissioners and applicants are permitted to attend in person. All others are welcome to attend via ZOOM: <https://us02web.zoom.us/j/9728359352>

Meeting ID: 972 835 9352

PROCLAMATIONS – *Town Administrator Sam Callender*

Nothing to Report

OLD BUSINESS:

- a. **Town Projects:**
 - **Municipal Services Building** – *Town Administrator Sam Callender*

Ms. Callender reported that Town Engineer Wilkes and Public Works Director Callender are continuing to search for an appropriate company to perform an “Infiltration Test”, formerly referred to as a “Perc Test” by members of Council.

Vice Mayor Wysong asked for the difference between the two. Ms. Callender responded that a “Perc Test” is used to determine the ability of the soil to sustain a septic tank and an “Infiltration Test” is used to determine the ability of the soil to sustain the weight of a building and the absorption rate of water for the successful building of a water tight basement.

OLD BUSINESS: *"continued"*

- **Economic Development Plan/Cheswold Business & Merchants Association –**
Councilperson Maxwell Amoako

Councilperson Amoako informed the Mayor and Council that he attended the DLLG meeting and was impressed by the presentation of the migration of birds in the State of Delaware.

- **Activities Committee –** *Councilperson Judith Johnson/Vice Mayor Santo Faronea*

The Mayor reported that only one, (1), donation was made to the Ukraine fund drive, so the donation was returned to the doner.

- **Park Committee –** *Vice Mayor Michael Wysong*

Vice Mayor Wysong reported that he has one, (1), community volunteer to assist with the Park project. He also stated that he has met with two, (2), playground equipment vendors, but only one of them appears to him to be qualified to provide the type of equipment that would be needed for the park. That vendors estimate is \$83,000 and includes installation. The cost of a crushed stone walkway would also be approximately \$13,000 and fencing could range up to \$11.46 per linear foot for a 6' – 50 x70 foot fence.

Ms. Callender asked what the overall design was for the park and the Vice Mayor presented a copy of a sketch designed by students at the University of Delaware. Ms. Callender stated that the design does not match her memory of the lay of the park land and that the Town has contracted with Mountain Consulting an engineering firm to provide an up-to-date accurate survey of the park. She additionally stated that it may be difficult to visualize a total design outlay without knowing the available dimensions of the park.

Vice Mayor Wysong explained that he had no expectation that the park would be completely developed at one time due to the potential cost of completion. Mayor Faronea asked about the status of the community garden as it was his understanding that the park development was based on the creation of a community garden. Ms. Callender explained that the idea and concept for a park in that location has been a part of the Town dream since she's moved here and from her understanding, since the property was deeded to the Town.

Councilperson Amoako stated perhaps it might be better to scrap the idea of the park and to use the funds for in a more beneficial manner. Mrs. Callender asked him to provide ideas of such manners. He responded he had none off the top of his head, but a Town park may not be how residents of Parkers Run want their tax dollars spent. Mrs. Callender explained that Parkers Run taxes will not be used and her main concern is using Town funds for the benefit of **all** Town residents.

OLD BUSINESS: *"continued"*

- **Park Committee – *"continued"***

Additional discussion, made it evident that different Council members had different expectations of how the Park should look and what should be included in the park and how it be used and by whom. It was finally suggested that further discussions of the layout of the park should be put on hold until the Council can agree as to what activities will take place in the park and what are the actual dimensions of the park.

- **Protest Plan Team – *Chief Chris Workman***
Project on hold until further notice.

- **American Rescue Plan - *Town Administrator Sam Callender***

Ms. Callender provided the following financial report concerning the funds expenditures associated to the American Rescue Plan:

- Year 1 Receipt = \$349, 395.75
- Year 1 Expenses = \$186,156.03 (*transferred to General Fund 6-30-2022 for ARPA projects paid from General Fund*)
- Year 2 Receipt = \$346, 671.34 (*\$2,724.41 paid to State obtained Attorney by State Treasurer's Office prior to receipt*)

CURRENT BALANCE = \$509,911.06

NEW BUSINESS - *Town Administrator Sam Callender*

NOTHING TO REPORT

COMMUNITY COMMENTS/CONCERNS –

NOTHING TO REPORT

COUNCIL MEMBER COMMENTS:

Vice-Mayor Wysong - *No Comments*

COUNCIL MEMBER COMMENTS: *"continued"*

Secretary/Treasurer Callender – *No Comments*

Councilperson Johnson – *Excused*

Councilperson Moxley – *No Comments*

Councilperson Amoako - *No Comments*

Mayor Faronea's Comments – *No Comments*

MOTION to ADJOURN

A motion to adjourn was made by Councilperson Callender. Councilperson Moxley made a second to the motion and it passed with an unanimous roll call vote. The meeting adjourned at 6:49 pm.

29 Del C 10004 Sec. (e) (2)....."The agenda shall be subject to change to include additional items, including executive sessions or the deletion of items, including executive sessions which arise at the time of the public body's meeting".

The Agenda items as listed may not be considered in sequence and/or removed if warranted.